

BOARD OF ENVIRONMENTAL REVIEW
AGENDA ITEM
EXECUTIVE SUMMARY FOR ADOPTION OF RULE AMENDMENTS

Agenda # III.A.3.

Agenda Item Summary: The Department requests that the Board adopt amendments to the rules that reference the 2002 edition of Circular DEQ-4 *Montana Standards for Subsurface Wastewater Treatment Systems* (used in subdivisions, water quality, and public water supply programs) to reflect a newly revised version (2004 edition) of DEQ-4.

List of Affected Rules: This request for adoption would amend ARM 17.30.716, 17.36.912, 17.36.914, 17.36.916, 17.36.922, 17.38.101, 17.38.106.

Affected Parties Summary: DEQ-4 provides standards for treatment of sanitary wastewater as required under Title 76, Chapter 4, Part 1, MCA. It is used primarily in residential settings, but also is applicable for commercial development such as motels, restaurants and other businesses. The amendments to the rules would affect all property owners and developers that wish to construct subsurface, sanitary wastewater treatment systems in accordance with DEQ-4. The Subdivision Review Section of the Public Water and Subdivisions Bureau receives between 1,200 and 1,600 subdivision applications each year, most of which involve use of DEQ-4 systems.

Scope of Proposed Proceeding: The Department requests that the Board adopt the proposed rule amendments.

Background: The DEQ Subdivision Review Program proposed several revisions to Circular DEQ-4, 2002 edition. These revisions necessitate amendments to DEQ rules to replace all references to the 2002 edition with references to a new 2004 edition. One of the key changes to DEQ-4 involves the prohibition of water softener backwash into septic systems that was placed in the 2002 edition. Last year a committee was formed from subdivision task force members, DEQ personnel, and representatives of the water softener industry to review the prohibition. Based on the information exchanged during this review, DEQ would again allow discharge of backwash into septic systems from water softeners that meet certain requirements. In addition, DEQ proposes to make several minor revisions in DEQ-4 to correct conflicts in language and errors/omissions in the 2002 edition. The Board initiated rulemaking in June 2004 and a public hearing was held on July 13, 2004.

Board Options: The Board may:

1. Adopt the proposed amendments as set forth in the attached Notice of Public Hearing on Proposed Amendment;
2. Adopt the proposed amendments with revisions that the Board finds are appropriate and that are consistent with the scope of the Notice of Public Hearing on Proposed Amendment and the record in this proceeding; or
3. Decide not to adopt the amendments.

DEQ Recommendation: The Department recommends that the Board adopt the rule amendments.

Enclosures:

1. Notice of Public Hearing on Proposed Amendment;
2. Proposed amendments to department Circular DEQ-4
3. Presiding Officer's Report;
4. Draft Notice of Amendment.
5. Amendments to department Circular DEQ-4 in response to comments.